

MOBILE CITY PLANNING COMMISSION

MINUTES

SEPTEMBER 16, 2021 - 2:00 P.M.

MEETING HELD ONLINE

ROLL CALL:

| Members Present | Members Absent |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Carlos Gant, <i>Chairman</i> Jennifer Denson, <i>Secretary</i> John W. Stubbs, Jr. Allan Cameron Taylor Atchison Matt Anderson, MD Nick Amberger (AO) Susan Carley (S) Kirk Mattei (S) | Shirley Sessions Bess Rich, (CC) |
| Planning Staff Present | Others Present |
| Margaret Pappas, Planning & Zoning Marie York, Planning & Zoning Bert Hoffman, Long Range Planning Victoria L. Burch, Planning & Zoning Shayla Beaco, Build Mobile | Doug Anderson, Staff Attorney George Davis, City Engineering Mary Beth Bergin, Traffic Engineering John Strope, Dogwood Productions |

(S) Supernumerary (MD) Mayor's Designee (AO) Administrative Official
(CC) City Council Representative (PJ) Planning Jurisdiction

The notation motion carried unanimously indicates a consensus, with the exception of the Chairman who does not participate in voting unless otherwise noted.

ADOPTION OF THE AGENDA:

Motion by Carlos Gant. Second by Matt Anderson. Adopted.

HOLDOVERS:

- 1. 2662 Fillingim Street**
(North side of Fillingim Street, 100'± West of Mobile Street).
Council District 1
PA-001677-2021

**Blood Covenant Evangelistic Church Ministries Inc.
Planning Approval to allow a church in an R-1, Single-Family Residential District.**

Applicant, Doris Bettis, 2662 Fillingim St., was present and agreed to the holdover.

No one else was present for or against the holdover.

Staff explained to the Commission the issues regarding the Board of Adjustment application associated with this site, leading to the recommendation for holdover.

Motion made by Carlos Gant. Second by Jay Stubbs. Motion to holdover approved.

After discussion the Commission heldover the application until the October 7th meeting to allow the Board of Adjustment to hear the associated Parking Ratio Variance request at its September 20th meeting.

2. 105 North Jackson Street

(West side of North Jackson Street, 84'± North of St. Michael Street).

Council District 2

PA-001680-2021

Kawauna Gill

Planning Approval to allow an occupancy load of more than 100 persons for a lounge in a T5.1 Sub-District of the Downtown Development District.

Commissioner Gant recused himself from the application. Jennifer Denson assumed the role as Chairman.

Applicant Kawauna Gill and property owner Larry Moorer, 107 N. Jackson Street, and Joseph Rodrigues, architect, were present to represent the application. Bob Isakson, Mark Minnaert and Pete Burns were present in opposition.

The Commission's legal counsel provided the following comments for the Commission:

- that staff provide an overview of the application for the Commission;
- that the Commission focus on relevant issues regarding the application, in this case, the Planning Approval for occupant load issues associated with proposed use;
- reminding the Commission of the Planning Approval items to consider, and that Findings of Fact are required;
- that the decision is not to be based on personal issue; and
- that a bar, lounge and club are considered the same as it relates to the Downtown Development District regulations.

Staff read the names of the people who submitted correspondence in support: Larry Moorer, Kawauna Gill, Tim Lombardo, Mallory McGowan-Nibley, Erica Perkins, Brenda Spencer,

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Christine Yori. Staff then noted correspondence received in opposition: Jim Gilbert, Mark Minnaert, Lucy Cope, Sondra Dempsey, Robert Isakson and Lee Weissinger.

The applicant, Kawauna Gill, provided her comments regarding her application:

- tried to address parking concerns and noted that the site is across the street from a parking lot open to the public for a fee;
- the proposed hours of operation;
- the vision for the facility, and why she was passionate about locating downtown;
- wanted to ensure the safety of the customers as well as the neighbors; and
- did not want the business to be a nuisance to the neighborhood, but rather an amenity for the community.

Commissioners asked the applicant if she met with surrounding neighbors. Mrs. Gill stated that the meeting took place Monday, Sept 13, 2021. She noted that she met with Lee Weissinger, Bob Isakson and Mike Minnaert.

Commissioners asked about the occupancy for the site, and if there had been any consideration of reducing the maximum occupancy.

Joseph Rodrigues, architect for the project, stated the following:

- the International Building Code occupant load for this building was two hundred sixty-two (262) people, which doesn't include courtyard; and
- the building's occupancy by floor was one hundred and one (101) people on the first floor, and one hundred sixty-one (161) on the second floor.

Legal counsel and staff discussed the courtyard and occupancy.

Commissioners and staff discussed the maximum occupancy allowed by the Fire Code.

Commissioners then asked the applicant about the occupant load proposed on the application. Mrs. Gill stated that she intended to only have one hundred seventy-nine (179) people and had no plans to have almost 300 people.

Staff noted that the request was to allow an occupant load of up to 341 people, however, the Building and Fire Codes ultimately set the maximum allowance, which could be less than what is being sought for the Planning Approval.

Legal counsel noted that the Commission could set the maximum occupancy in case Building and Fire Codes would allow more than is being requested.

Larry Moorer, property owner and attorney associated with the application, stated the following:

- that it appeared that only about thirteen (13) had expressed concerns regarding the proposed use;

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- that it appeared that the concerns were based upon the prior club, TAG, and the problems that it had during its operation; and
- that the current application was not affiliated with the prior club, that the site was in the Entertainment District, and that parking was available in close proximity to the site.

Commissioners asked if the applicant had worked at the previous establishment at this location. The applicant stated she had worked at numerous establishments in the area including the prior club TAG, but she was not the owner or operator of TAG.

Robert Isakson, 157 N. Conception Street spoke against the application with the following points:

- he owns multiple properties in the vicinity, and the proposed use was not appropriate in the primarily residential area;
- the applicant should consider operating with a 100-person limit and reduced hours for a while to see how it goes, then then come back to the Commission for more later;
- he tried to make a deal with the applicant, but a deal was not reached;
- if the applicant makes an agreement with neighbors, as was done with the Iron Hand Brewery (which Mr. Isakson owns), that agreement would be enforceable by the neighborhood; and
- if the applicant exceeded agreed upon hours, the neighborhood could enforce it.

Mark Minnaert, 312 N. Joachim, spoke against the application with the following points:

- Larry Moorner was the property owner of the site when it was the previous club, TAG, where there were problems;
- it was unfortunate that that the applicant was being caught up in the legacy of the issues associated with TAG;
- he was concerned about possible impacts to the nearby church, lofts and other pending developments, and about litter, noise and traffic; and
- he agreed with Mr. Isakson regarding having the applicant enter into an agreement with the neighborhood.

Peter Burns, 255 N. Jackson St., spoke against this application with the following points:

- he had lived downtown for many years and went to the prior club, TAG, many times;
- predictability is important for property owners, thus he agreed with the other speaker's proposal to limit the operation for a period of time to see how it goes and allow the applicant to work with the community;
- the nearby Greer's grocery store may not have located where it did if there was a bar nearby that would be open late at night and change the neighborhood; and
- the applicant was asking that the rules be changed for them, setting a precedent that could result in the Iron Hand or Braided River breweries asking for the same thing.

The applicant responded to the questions and concerns expressed by those in opposition to the request:

- the operation would stay within the Fire Code occupancy requirements;

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- she did not expect to reach the maximum allowed occupancy load; and
- noted there was a large parking lot across the street available for patrons.

Commissioners asked the applicant if she wanted to come forward with voluntary restrictions.

The applicant in response stated that the business:

- would comply with the Fire Department requirements;
- would request the operating hours to be 3 PM to 10 PM, Tuesday – Thursday, Noon to 2 AM on Friday and Saturday, and Sunday from Noon to 9 or 10 PM; and
- did not want to reduce the occupancy below 179, to include outside areas, nor reduce the hours from what was proposed due to Mardi Gras and other special events that occur downtown.

Commissioners asked staff about the occupant load limit – that if the applicant was at 100 or less, they would not require a Planning Approval – to which staff agreed.

Commissioners then discussed hours of operation and occupant limits.

Matt Anderson made the motion to approve the application with an occupancy limit of one hundred seventy-nine (179) including the courtyard, restriction of amplified sound after 10 PM and to limit hours of operation for Monday through Thursday, 10 PM, Friday and Saturday to Midnight, and Sunday to 9 PM. The motion was seconded by Nick Amberger. The motion was approved, with Kirk Mattei and Allan Cameron in opposition. Carlos Gant recused from voting.

After discussion, the Commission determined the following Findings of Fact for Approval for the Planning Approval:

- 1) The proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, due to the fact that no expansion is proposed, and the site is located within a developed area with public water and sewer services and with nearby fire and police stations;
- 2) The proposal will not cause undue traffic congestion or create a traffic hazard, because on-street parking is allowed within the area and commercial parking lots are located near-by; and
- 3) The proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because it is with an established Entertainment District, and similar requests have been granted within the area.

The approval is subject to the following conditions:

- 1) Occupancy load limited to 179;
- 2) No amplified sound outside after 10 PM;
- 3) Hours of operation to include closing by 10 PM Tuesday through Thursday, closing by 12 AM on Friday and Saturday, closing by 9:00 PM on Sunday; and

- 4) Full compliance with all other municipal codes and ordinance.

NEW SUBDIVISION APPLICATIONS:

- 3. 1010 Dr. Martin Luther King Jr. Avenue
(Northeast corner of Dr. Martin Luther King Jr. Avenue and Monday Street).
Council District 2
SUB-001761-2021
Hill's Addition to Fisher Tract Subdivision, Phase 1
Number of Lots / Acres: 1 Lot / 0.2± Acre
Engineer / Surveyor: McCrory & Williams, Inc.**

Don Whittington, representing the application, was present and in agreement with staff recommendations.

No one else was present to speak for or against the application.

Nick Amberger made the motion to approve. Jennifer Denson seconded the motion. The motion was approved.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) retention of the right-of-way width of Dr. Martin Luther King, Jr. Avenue on the Final Plat;
- 2) revision of the plat to either indicate a current right-of-way width for Monday Street of at least 25 feet from the centerline, or dedication to provide 25 feet from the centerline;
- 3) dedication to provide a 25-foot corner radius at the intersection of Dr. Martin Luther King, Jr. Avenue and Monday Street;
- 4) retention of the 25-foot minimum building setback line along both street frontages on the Final Plat, revised so as to be measured from any required dedication;
- 5) retention of the lot size label in both square feet and acres on the Final Plat, revised for any required dedication, or the furnishing of a table on the Final Plat providing the same information;
- 6) compliance with the Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e., signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide and label the monument set or found at each subdivision corner. C. Add legible street names to the vicinity map. D. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the southwest corner of LOT 1 to the City of Mobile and list the amount of dedicated acreage. E. Provide the Surveyor's and Owner's (notarized) signatures. F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984*

aerial photo (FLIGHT 29 - #74) LOT 1 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – 6,000 sf. G. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. H. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. J. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. K. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. L. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. M. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 7) *placement of a note on the Final Plat stating the Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 8) *compliance with the Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 9) *compliance with the Fire-Rescue Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.).*

**4. 940 and 954 Dr. Martin Luther King Jr. Avenue
(Northwest corner of Dr. Martin Luther King Jr. Avenue and Davidson Street).**

Council District 2

SUB-001762-2021

Hill's Addition to Fisher Tract Subdivision, Phase 2

Number of Lots / Acres: 1 Lot / 0.4± Acre

Engineer / Surveyor: McCrory & Williams, Inc.

Don Whittington, representing the application, was present and in agreement with staff recommendations.

No one else was present to speak for or against the application.

Motion to approve made by Matt Anderson and seconded by Nick Amberger. Motion passed.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) retention of the right-of-way width of Dr. Martin Luther King, Jr. Avenue on the Final Plat;
- 2) revision of the plat to either indicate a current right-of-way width for Davidson Street of at least 25 feet from the centerline, or dedication to provide 25 feet from the centerline;
- 3) dedication to provide a 25-foot corner radius at the intersection of Dr. Martin Luther King, Jr. Avenue and Davidson Street;
- 4) retention of the 25-foot minimum building setback line along both street frontages on the Final Plat, revised so as to be measured from any required dedication;
- 5) retention of the lot size label in both square feet and acres on the Final Plat, revised for any required dedication, or the furnishing of a table on the Final Plat providing the same information;
- 6) compliance with the Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e., signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings, and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide and label the monument set or found at each subdivision corner. C. Add legible street names to the vicinity map. D. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the southeast corner of LOT 1 to the City of Mobile and list the amount of dedicated acreage. E. Provide the Surveyor's and Owner's (notarized) signatures. F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 29 - #74) LOT 1 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – 4,000 sf. G. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. H. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. I. Add a note that sidewalk is required to be*

constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. J. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. K. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. L. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. M. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 7) *placement of a note on the Final Plat stating the Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 8) *compliance with the Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 9) *compliance with the Fire-Rescue Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.).*

**5. 2100 North University Boulevard
(East side of North University Boulevard at the East terminus of Mickey Drive).**

Council District 1

SUB-001767-2021

The Locale Subdivision

Number of Lots / Acres: 1 Lot / 55.2± Acres

Engineer / Surveyor: Gulf States Engineering

Debbie Hartley, applicant, was present and in agreement with staff recommendations.

No one else was present to speak for or against the application.

Motion to approve by Matt Anderson with second by Jay Stubbs. Motion passed.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) revision of the plat to indicate a current right-of-way width of at least 50 feet from the centerline of North University Boulevard, or dedication to provide 50 feet from the centerline of North University Boulevard;
- 2) revision of the plat to indicate a 25-foot minimum building setback line along North University Boulevard as measured from any required frontage dedication;
- 3) revision of the plat to label the lot with its size in both square feet and acres, revised for any required dedication, or the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder;
- 5) placement of a note on the Final Plat stating that access to the Gulf South Pipeline Company right-of-way is denied;
- 6) compliance with the Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e., signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings, and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide and label the monument set or found at each subdivision corner. Verify which are “found” and which are “set”. C. Add legible street names on the Plat – University Blvd. or Highpoint Rd.? D. Correct the spelling of the street names in the vicinity map. E. Review and revise the written legal description and/or boundary labels to match each other. F. Revise the plat to label the proposed LOT (i.e., LOT 1, LOT A). G. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated. H. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state. I. Provide the Owner's (notarized) signatures. J. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo LOT 1 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – NONE. K. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. L. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);*
- 7) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Lot is limited to two curb cuts with size, location, and design to be approved by Traffic*

Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);

- 8) compliance with the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 9) compliance with the Fire-Rescue Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.).*

6. 1231 Cochrane Causeway

(West side of Cochrane Causeway, 1.7 mile± North of the Bankhead Tunnel)

Council District 2

SUB-001769-2021

Martin Energy Services-Blakeley Island Storage Site Subdivision

Number of Lots / Acres: 1 Lot / 8.1± Acres

Engineer / Surveyor: Hargrove and Associates, Inc.

Brad Justice was present representing the application and agreed with staff recommendations.

No one else was present to speak for or against the application.

Motion to approve based on staff recommendations by Nick Amberger and seconded by Jennifer Denson. Motion approved.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) retention of the lot sizes in square feet and acres;
- 2) retention of the 25' minimum building setback line;
- 3) placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement, without the consent of the easement owner;
- 4) full compliance with Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Label the*

monument set or found at each subdivision corner. Check the western property line. C. Show and label the north line of LOT 4 (MB3 pg. 77-78) used as the POC. D. Add legible street names to the vicinity map. E. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands, or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated. F. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state. Check SURVEY NOTES #12 and #18. G. Update SURVEY NOTE #11. New FEMA maps went into effect on June 5, 2020. H. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. I. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. J. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 5) *placement of a note on the final plat stating the following Traffic Engineering comments: (Cochrane Causeway (U.S. Highway 90) is an ALDOT maintained roadway. Driveway number, size, location, and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 6) *compliance with the Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 7) *compliance with the Fire-Rescue Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.).*

7. 5358 Kooiman Road

(North side of Kooiman Road, 257'± West of Business Parkway, extending to the East terminus of Linwood Steiner Road).

Council District 4

SUB-001757-2021

Highway 90-Interstate 10 Business Park Subdivision, Resubdivision of Lots 1 and 2

Number of Lots / Acres: 2 Lots / 24.8± Acres

Engineer / Surveyor: Linder Surveying

Applicant, Jason Linder, was present and asked about the rezoning issue noted in the staff report and proposed conditions.

Staff discussed the zoning issue, noting that the proposed subdivision would result in a lot with two zoning districts, or a split-zoned lot. It was this issue that triggers the need for a rezoning application.

Commissioners asked the applicant if he understood the lot issue, and the applicant stated that he did.

No one else was present to speak for or against the application.

Motion to approve made by Nick Amberger and seconded by Matt Anderson. Motion passed.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) provision of the lot sizes in square feet and acres;
- 2) retention of the 25' minimum building setback line along public rights-of-way only;
- 3) successful rezoning of Lot 1 prior to the signing of the Final Plat;
- 4) retention of the note on the Final Plat stating that no further subdivision of Lot 2 shall be allowed until additional frontage on a public street is provided via the construction of a road;
- 5) placement of a note on the Final Plat stating that no structures are allowed in an easement without the approval of the easement holder;
- 6) full compliance with Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Remove the County Engineer's signature block from the plat. As of 3-16-2014 The County Engineer no longer signs plats within the municipal limits of the City of Mobile. B. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. C. Provide the recording information for the legal description. D. Provide and label the monument set or found at each subdivision corner. E. Add legible street names to the vicinity map. F. Add a signature block for the Owner of the existing LOT 1 (Gulf Equipment Corporation). All property owners are required to sign the Plat. G. Add a signature block for the City Engineer. H. Provide the Surveyor's and Owner's (notarized) signatures. I. Revise NOTES #3 to read City of Mobile instead of Mobile County. This property is located within the City limits of Mobile. J. Revise NOTES #13 – delete the last sentence. A stormwater detention/WQ maintenance plan/agreement will be required to be submitted with the Land Disturbance Permit. K. Label the drainage and utility easements as PRIVATE (not maintained by the City of Mobile). L. Add a note to the SUBDIVISION PLAT stating that*

as shown on the 1984 aerial photo (FLIGHT 21 - #92) LOTS 1 and 2 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – NONE and LOT 2 - NONE. M. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. N. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. O. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. P. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. Q. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. R. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. S. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 7) *placement of a note on the final plat stating the following Traffic Engineering comments: (Each lot is limited to one curb cut to Kooiman Road, with size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Lot 2 is denied access to Linwood Steiner Road. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 8) *compliance with the Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 9) *compliance with the Fire-Rescue Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.).*

NEW REZONING APPLICATIONS:

8. 2551 Kossow Street

(Southwest corner of South Florida Street and Kossow Street).

Council District 1

ZON-001766-2021

Henry Thomas Cobb and Barbara Barrosse Cobb

Rezoning from R-1, Single-Family Residential District, to B-1, Buffer Business District.

Barbara Cobb, applicant, was present and in agreement with the staff recommendations.

No one else was present to speak regarding the application.

Motion to approve by Matt Anderson. Second by Nick Amberger. Approved.

After discussion, the Commission voted to recommend Approval of the request to the City Council due to the following:

- 1) the applicant has demonstrated changing conditions in the area make a change in the Ordinance necessary and desirable.

The rezoning should be subject to the following condition:

- 1) full compliance with all municipal codes and ordinances.

GROUP APPLICATIONS:

9. 1653 Spring Hill Avenue

(South side of Spring Hill Avenue, 385'± East of Gilbert Street).

Council District 2

a. SUB-001763-2021 (Subdivision)

Anytime Storage Subdivision

Number of Lots / Acres: 1 Lot / 2.3± Acres

Engineer / Surveyor: McCrory & Williams, Inc.

James Hughes, applicant, was present and requested that the applications be heldover until the October 21st meeting.

Staff noted for the Commission that staff received eight (8) comments regarding the application, submitted by the following people: Robert and Abby Johnson, Virginia Andreades, Nancy Seibt, Don Bowden, Cindy DeScenna, Gail McCain, Jack O'Dowd and John and Ashley Ashbee.

No one else was present to speak regarding the applications.

Motion to Holdover to October 21st meeting made by Carlos Gant and seconded by Matt Anderson. Motion passed.

The Commission heldover this application to the meeting of October 21st at the applicant's request.

- b. PA-001768-2021 (Planning Approval)**
Les Robinson, LLC (James Hughes, Agent)
Planning Approval to allow a self-storage facility in a B-2, Neighborhood Business District.

See the discussion under the Subdivision application.

Motion to Holdover to October 21st meeting made by Carlos Gant and seconded by Matt Anderson. Motion passed.

The Commission heldover this application to the meeting of October 21st at the applicant's request.

- c. ZON-001764-2021 (Rezoning)**
Les Robinson, LLC (James Hughes, Agent)
Rezoning from R-1, Single-Family Residential District, and B-1, Buffer Business District, to B-2, Neighborhood Business District.

See the discussion under the Subdivision application.

Motion to Holdover to October 21st meeting made by Carlos Gant and seconded by Matt Anderson. Motion passed.

The Commission heldover this application to the meeting of October 21st at the applicant's request.

OTHER BUSINESS:

Election of Officers

- Chairman: Jay Stubbs.
Nominated by Allan Cameron and seconded by Matt Anderson. Motion passed.
- Vice-Chairman: Allan Cameron.
Nominated by Nick Amberger and seconded by Kirk Mattei. Motion passed.

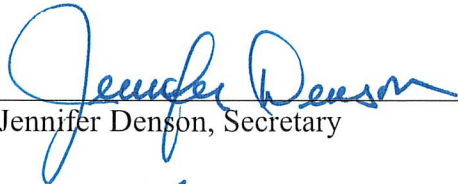
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- Secretary: Jennifer Denson.
Nominated by Matt Anderson and seconded by Allan Cameron. Motion passed.

Minutes approved: September 19, 2024



Jennifer Denson, Secretary



Kirk Mattei, Vice Chairman